Docket No.: 64766-012

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of	: Customer Number: 20277
Nobuo SETOGUCHI, et al.	: Confirmation Number: 8968
Serial No.: 10/805,275	: Group Art Unit: 2615
Filed: March 22, 2004	: Examiner: Not Yet Assigned
For: DIGITAL MOTION PICTURE DECODING APPARATUS AND DIGITAL MOTION PICTURE DECODING METHOD	:

PETITION TO MAKE SPECIAL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to make special the above-identified application in accordance with 37 CFR § 1.102(d).

Concurrent with this Petition, a Second Preliminary Amendment and an Information Disclosure Statement, are being filed.

Pursuant to MPEP § 708.02(VIII), Applicants comply with each of the following items:

A. FEE

Please charge Deposit Account 500417 the amount of $130.00 as set forth in 37 CFR § 1.17(h) to cover the fee for the present Petition to Make Special.

B. SINGLE INVENTION

Applicants believe that all pending claims are directed to a single invention. It is respectfully submitted that claims 12-83 can be properly examined together.

C. PRE-EXAMINATION SEARCH

Applicants submit that a pre-examination search has been made in accordance with MPEP § 708.02(VIII)(c). The field of search included the following IPC classes:

H04B 14/04,

H04J 3/22,

H04N 5/1+,

H04N 7/1+,

G11B 20/10, 27/00, 7/00,

G02F 1/33,

and the following U.S. classifications:

348/7,390,423,426,452,474,558,595,700

358/22,133,135-6,105,181-183,185,189,311,336,342,191.1

360/72.2

364/514A

369/32,47

386/52,53,68,95,111

D. COPY OF REFERENCES

Each of the references from the pre-examination search is being made of record in an

Information Disclosure Statement filed concurrently with this Petition. A courtesy copy is

submitted together with this Petition.

The sole Japanese reference (Publication No.: JP 07-046198) is deemed, for purpose of

this Petition, most closely related to the subject matter encompassed by the claims. The

remaining references listed are of general interest.

E. DETAILED DISCUSSION

Applicants submit the following detailed discussion of the references deemed most

closely related to the subject matter encompassed by the claims, pointing out, with the

particularity required by 37 CFR 1.11(b) and (c), how the claimed subject matter is patentable

over the references.

The present application is directed to a digital motion picture decoding/outputting method

and apparatus which can, when program switching is detected during playback, nullify decoded

data so as to prevent unnecessary images from being displayed. This aspect of the present

invention is embodied in each of independent claims 12, 21, 30, 39, 48, 57, 66 and 75. In

contrast, JP 07-046198 discloses that data stored in the buffer is nullified *before* it is inputted to

the decoding means in order to shorten the start-up delay when channel switching. That is, JP

07-046198 discloses nullifying the data stored in the buffer but is silent as to the nullification of

data *decoded by the decoding means.* Accordingly, JP 07-046198 does not disclose or suggest

nullification of decoded data in the particular manner defined in the claimed *combinations.*

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Moreover, Applicants submit that the remaining documents cited below are of general interest and do not make up for the above deficiencies of JP 07-046198. Therefore, the present claims are patentable over these remaining documents. Summary discussions are provided below for completeness.

USP No. 4,218,709 to Baxter et al. is directed to a video switching system which includes a group of independent selection switches that enables a user to select any one of a plurality of different input video signals and route that signal to a preview output for display on a preview monitor. The system automatically generates a mixture of the previewed signal and old program signal and automatically adjusts the mixture so that the old program signal is uniformly faded out and the previewed signal is uniformly faded into the program scene. Accordingly, Baxter et al. addresses "fading" techniques for two signals and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 4,689,672 to Furukawa et al. is directed to subjecting a digital video signal representative of successive pictures to predictive coding by using correlation between two successive pictures. An estimated result is derived from the digital video signal to represent a degree of correlation between a current picture and a previous picture and is increased with a reduction of the degree. When the estimated result becomes greater than a predetermined threshold value as a result of a drastical change, such as a scene change, from the previous picture to the current picture, a control signal is produced which controls the predictive coding so that the succeeding part be coded with an area of predictive coding of each picture gradually widened with time. Accordingly, Furukawa et al. addresses "coding" techniques and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*. USP No. 5,032,905 to Koga appears to be directed to a similar purpose and

functionality as Furukawa et al. (same assignee) and also appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 5,057,916 to Krause et al. is directed to refreshing an image area during the transmission of a set of motion compensated sequential video images. The video image data from a current region being refreshed is encoded for use by a decoder in identifying it as non-motion compensated data. Accordingly, Krause et al. addresses "refreshing" techniques for the <u>encoding</u> process and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 5,161,019 to Emanuel is directed to a picture-in-picture processing unit for displaying an array of images corresponding to respective channels or auxiliary televisions signals on a display screen that is automatically activated when the video signal currently being processed by the receiver no longer contains program information (e.g., either does not contain valid video information, or represents a uniform screen). Accordingly, Emanuel addresses plural-image display techniques in response to blank video signals and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 5,191,567 to Yasuda et al. is directed to a method of reproducing a last portion for a disk playing apparatus so that generation of discontinuity between a part of a program recalled by a user and a rest of the program is prevented. Accordingly, Yasuda et al. addresses locating reproduction positions for different parts of a program to avoid discontinuity and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 5,343,248 to Fujinami is directed to an interlace-system moving image which can be prevented from being blurred when a scene is changed. A frame header is provided at the

top of data of one frame formed of two fields and a field flag is recorded in the frame header. The field flag is used to identify whether the frame is started with an odd field or with an even field. Accordingly, Fujinami addresses anti-blurring techniques and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 5,555,193 to Tsinberg et al. is directed to a video system that avoids disruption of a displayed scene. A scene from a first data stream is held on a display while a second scene from a second data stream is being built up. Accordingly, Tsinberg et al. addresses continuity among displayed scenes by holding one scene while preparing another for display and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 5,742,728 to Yanagihara et al. is directed to a recording/reproducing apparatus for reproducing recorded encoded picture data from a recording medium in varying speed without picture disruption. The recorded picture data are read from the recording medium and stored in a buffer memory, and based on predetermined parameters, the stored picture data are read out from the buffer memory and supplied to the delaying circuit so as to be delayed by a predetermined amount prior to being supplied therefrom. Accordingly, Yanagihara et al. addresses continuity among displayed scenes and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 5,754,233 to Takashima is directed to an encoding apparatus whereby a rate control unit controls the range of the code generation rate so that, if a scene change has been detected, the amount of the encoding information previously allocated to the intra-picture will be allocated to other pictures. Accordingly, Takashima addresses "encoding" information

allocation and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 5,959,659 to Dokic is directed to an MPEG-2 decoder having a decoupled architecture that allows the rapid acquisition of a program within an MPEG-2 transport stream. A digital signal processor can demultiplex and interpret back-to-back program association tables and program map tables carried in the transport stream. Accordingly, Dokic addresses "demuliplexing" transport streams and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

USP No. 6,421,498 to Fukuoka et al. is directed to an apparatus and method for cross-fading moving image signals which includes structure and steps for temporarily storing moving image signals in a memory for a predetermined period of time. Accordingly, Fukuoka et al. addresses "fading" techniques and appears silent as to nullification of decoded data in the particular manner defined in the claimed *combinations*.

F. CONCLUSION

In view of the above, it is urged that the petition to make special is in proper form and that none of the references individually or in combination suggest or disclose all the features recited in claims 12-83 as required to provide a legal and factual basis for supporting a rejection under either 35 U.S.C. §102 or 35 U.S.C. §103. Accordingly, an indication of grant of this Petition is respectfully solicited. Further, Applicants respectfully submit that all of the pending claims are in condition for allowance, an indication of which is respectfully solicited. If there are

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any outstanding issues that might be resolved by an interview or an Examiner's amendment, the

Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

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